

# Regional Governance without Self-Government: Dynamism and Change in the North American Arctic

Adrienne M. Davidson

*How do we understand the evolution of sub-national governance in the North American Arctic? In what ways are Indigenous policy actors empowered and organized? Discussions of circumpolar regionalization often focus on the increasing role of state, provincial, or territorial governments in policy development, in international relations, and in managing the future of the north. However, these institutions do not constitute the only form of regionalization that the Arctic has experienced. Over the past 40 years, the North American Arctic has also seen rapid political change at the sub-national level. The land claims movement, which emerged in the 1960s in Alaska and in the 1970s in Canada, shifted policy authority into new regional institutions and empowered local indigenous populations. This has meant that the northern territories and the state of Alaska have moved toward becoming their own quasi-federal systems, and has heightened the complexity of northern governance. This paper presents a comparative study of regional models of governance in the North American Arctic. The paper pays specific attention to regional models that emerged in a policy vacuum, prior to the pre-1990s period that saw both US and Canadian federal governments reaffirm notions of Indigenous sovereignty. However, due to policy legacies and path dependency, some populations do not (and may never have) Indigenous self-government. The paper explores the layered development of governance, focusing on the Northwest Arctic and North Slope regions in Alaska, and the Inuvialuit and Gwich'in regions in the Canadian Northwest Territories. This paper explores how differences in institutional structure influence shape regional policymaking, and how these institutions are poised to affect the future political, economic, and social development of Arctic Northern America.*

## Introduction: Conceptualizing the Arctic region

Since the end of the Second World War, the Arctic has experienced considerable political and institutional change. The political reorganization of the Arctic has evolved along three parallel streams of governance: (1) transnational cooperation; (2) decentralization; and (3) regionalization. The first path of institutional development came through the ideational creation of an 'Arctic Region' in international relations. The 'Arctic Region' became a focal point during the Cold War, sparking significant bilateral and multilateral cooperation and conflict (Young 2005). Transnational regional cooperation evolved through a number of political venues such as the Arctic Council and multilateral

agreements in the Barents region (along the Barents Sea from Norway to Russia), as well as through the institutionalization of Arctic indigenous polities (Paasi 1999; Shadian 2006). By comparison, the second path developed through intra-state political and economic decentralization to existing regional/territorial units. This trend in Arctic governance has been particularly obvious in the federal Arctic states—which have progressively devolved policy authority to sub-national governments within the Arctic region, including Territories (Yukon/Northwest Territories/Nunavut), States (Alaska), and Provinces (Wilson 2005, 2008)—as well as in non-federal states, such as Denmark. This process has focused on bolstering existing political units through policy decentralization and increased political power, rebalancing (to a degree) the governance mismatch between center (southern capitals) and periphery (northern interests).

The third plane on which Arctic governance has evolved is the focus of this paper. In this paper, *regionalization* is defined as the creation of bounded regional institutions through political processes such as lobbying, legislation, and negotiation. In the Arctic, this is characterized by the institutional recognition of sub-state/sub-territorial units of Indigenous governance.<sup>1</sup> Through regionalization, Arctic Indigenous actors have actively wrested away policy control and political autonomy from other orders of government (be they territorial or national), and vested these powers in new geographically and culturally situated organizations of governance. The most common institutions of regionalization in the North American Arctic are Indigenous land claims (which generally transfer land and money, and in some cases include the policy authority to manage regional natural resources) and Indigenous self-government agreements (which generally transfer the authority over social policy and responsibility of program delivery to new indigenous governments) (Abele & Prince 2006).

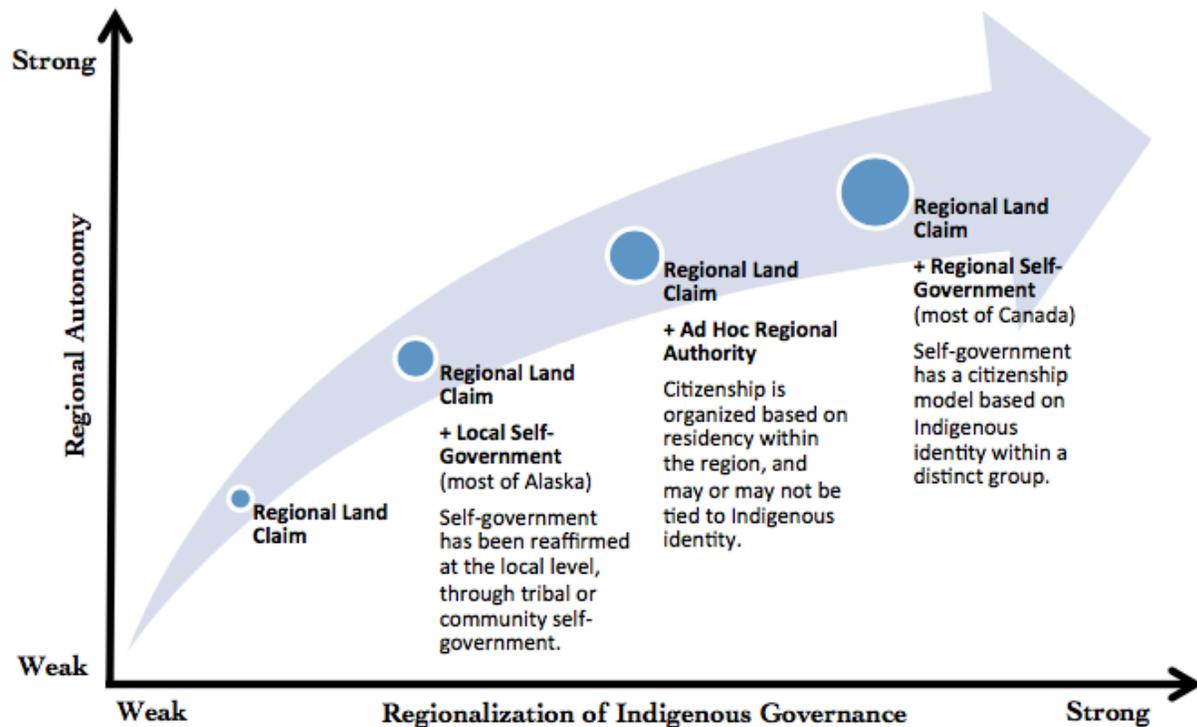
Each stream of governance finds its origins in the late 1950s and early 1960s, in a period of northern expansion and political conflict. Indigenous policy actors have played a key role in the organization of each of the three planes of governance, advocating for, and shaping the scope of Indigenous influence and role in policy matters at each level. At the transnational level, six transnational Indigenous organizations sit as Permanent Participants on the Arctic Council.<sup>2</sup> At the territorial level, Indigenous politicians have made their mark in Canada's Westminster-style territorial governments, and in Alaska's bicameral legislature. But it is at the regional level that Indigenous policy authority and self-determination are truly evident. This paper will explore the development of regional models of Indigenous policy authority. In particular, it will argue that the factors of timing and identity have influenced the way in which institutions layer to create units of regional governance and this in turn influences the policy dynamics between new regional actors.

### **Regionalism in the Arctic: Institutional models and variation**

Over the past four decades, Indigenous groups have wrested policy authority and political legitimacy away from other orders of government and into new institutions of regional governance. Control over land and resources, social and economic policy, and environmental oversight has been reconstituted through new institutions of land claims, co-management organizations, and self-government. During the 1960s and 1970s, land claims were the main tool through which to recognize Indigenous rights in United States and Canada (as self-government did not make its way into the federal rights framework

until the 1990s). Modern land claims put forward a new regional model of political and organizational development through the creation of geographically bounded native regional corporations (NRCs), which hold and manage collective Indigenous lands. As northern political development evolved, new institutions have been layered on top of the regional template provided through the NRCs. Though there has been a general progressive trend towards the development of regional Indigenous governance in the north, the actual outcomes operate on a continuum:

**Figure 1:** Regional Governance in the North American Arctic



Where federal recognition of *local* tribal self-government at the village/hamlet level has occurred, the regional model has been diluted. Broadly speaking, most of Alaska falls into this category. Though the Alaska Native Claims Settlement Act (ANCSA) of 1971 introduced the beginnings of a regional template with the development of twelve regional corporations, the simultaneous creation of over 200 village corporations tempered the regional model (McBeath & Morehouse 1980). Moreover, when the United States federal government reinforced nation-to-nation relationships with Indigenous populations in 1994, it did so by reaffirming the rights to Indigenous self-government through the recognition of village tribal governments (Case 2005).<sup>3</sup> There has also been some limited movement in this direction—towards the combination of regional institutions and local self-government—in northern Canada: in the Sahtu land claim region of the Northwest Territories, self-government is being negotiated on a community-by-community basis.<sup>4</sup>

By comparison, cases of strong regionalization generally evolved from layering of regional institutions—operating over geographically identical territories—on top of one another. Broadly

speaking, this is the way that Indigenous governance institutions have evolved in northern Canada. In 1995, when the Government of Canada updated its policy of negotiation to include self-government provisions, the same groups that had come together to negotiate regional land claims could now enter into the negotiation of regional self-government (Alcantara & Davidson 2015). As these agreements were finalized, they overlaid existing regional corporate institutions. For those land claims not yet settled in 1995, self-government was added into the package of goods on the table for discussion, thus reinforcing the existing regional model.

The literature has begun to explore how these distinctly regional models of governance affect northern politics, with a focus on what types of policy authority they have, how regional governance is structured, and the implications for regional and national politics (Abele & Prince 2006; Anders & Anders 1986; Wilson & Alcantara 2014). In their 2014 article, Wilson and Alcantara explore some of these implications by looking at Inuit political development in the Canadian north. They present a model (duplicated below in Table 1) that sets out the potential for intra-jurisdictional relations<sup>5</sup> within Inuit political regions, based on the sequence and form of land claims and self-government settlements:

**Table 1:** Model of Regional Institutions & Intra-Jurisdictional Relations

	<b>Land claims and self-government completed at the same time</b>	<b>Land claim agreement first, self-government agreement later</b>
<b>Indigenous Government</b>	1. No interaction because there is no land claims organization to compete with the Inuit government (i.e. Nunatsiavut)	2. Interactions between Inuit government and land-claims organization (i.e. potentially the Inuvialuit Region)
<b>Public government</b>	3. Interactions between the Inuit-dominated public government and the land-claims organization (i.e. potentially Nunavik)	4. Interactions between the Inuit-dominated public government and the land-claims organization (i.e. Nunavut)

(Wilson & Alcantara 2014)

This typology presents a useful starting point for understanding these regions as political units. It presents a theoretical model through which to explore how actors are engaged in policy and highlights how the timing of institutional development shapes the ways institutions operate together. Nonetheless, some important gaps remain. One issue arises in the equal treatment of the creation of Nunavut—which in some ways combines the phenomena of decentralization and regionalization—with the other types of (purely regional) political development they explore. Though the creation of Nunavut came about through a similar process of land claims and negotiation, as a Canadian territory, Nunavut has a distinctly different relationship with the Government of Canada. A bigger issue, however, is that the typology is limited to Canada and, furthermore, to the Inuit within Canada. While these limitations form a reasonable boundary to the project, there are important implications to thinking through regional development and intra-jurisdictional relationships both for other Inuit groups (such as in Alaska or Greenland) as well as for other Aboriginal groups throughout the Arctic region who have also engaged in the project of regionalization. In essence, their model of institutional

layering builds a useful ideal-type for understanding intra-jurisdictional relations once regional institutions of Indigenous governance are in place and in operation.

When we attempt to export this model outside of Inuit northern Canada and into the rest of Arctic North America, the prospect of the ‘completeness’ of regional development becomes complicated. Throughout the Arctic, and even within Arctic North America, regionalization is a largely unfinished project. By looking beyond the ideal-types of regional institutional development, we can begin to build a more comprehensive understanding of how regional organizations interact in dynamic models. In particular, the inclusion of Alaska’s experience in the framework strongly disrupts the notion that strong models of regional development are a common or even an expected outcome. The next section of the paper will expand on Alcantara and Wilson’s typology of intra-jurisdictional dynamics by exploring how regions were constructed across the northern United States (Alaska) and northern Canada (particularly in the Northwest Territories). It will consider how the factors of timing and institutional identity have shaped organizational development and the policy scope practiced by regional Indigenous governing authorities.

### **Constructing regions in Alaska and northern Canada**

Despite the fact that the native regional corporations (NRCs) became a central component of modern land claims in both the Alaska and Northern Canada, differences in how land claims were settled have led to distinctly different outcomes throughout the North American Arctic. The land claim process was settled quickly for Alaska—over a period of three years—through a process of Congressional hearings and political lobbying. By comparison, northern Canada has adopted a much more prolonged process of negotiation (Scholtz 2006). These differences have structured the outcomes of regional development throughout the north.

The idea for NRCs was first introduced in a 1968 report from the Governor’s Task Force on Native Land Claims in Alaska (Governor’s Task Force 1968). The idea of the NRCs to hold and manage Native lands advanced a distinctly regional template through which native claims would be implemented. Many rallied around this new venue for political and economic development, including the Alaska Federation of Natives (AFN), which was the main body through which Alaska Natives were represented in negotiations. In particular, the AFN threw its weight behind the development of twelve Alaska Native Corporations, to be divided along the lines of common geographic, economic, and cultural interests.<sup>6</sup> Yet despite the creation of regional boundaries along common interests, the regions themselves were constructs of geographic and historical convenience, and blurred the lines between many more distinct Indigenous groups. Prior to beginning negotiation on the Alaska Native Claims Settlement Act (ANCSA), 39 separate native protests had been made laying claims to parts of Alaska<sup>7</sup> (Brady 1967). The formation of twelve distinct regions thus resulted in boundaries that split across groups and created regions with (generally) more highly mixed Native populations (see Table 2, which divides the Alaska native population along the line of American Indian and Inuit, two categories which hide further cultural variation within those distinctions).

Despite the top-down nature of regional definition, ANCSA was a landmark agreement between the United States federal government and the Alaska Native population. Following its finalization in 1971,

the Act transferred 40 million acres of land to Alaska Natives, and provided nearly one billion dollars as part of the settlement (Hirschfield 1992).

**Table 2:** Regional Heterogeneity under ANCSA (1970)

**High Regional Heterogeneity**

Twelve ANCSA Regions	Alaska Native Population	
	% Indian	% Inuit
1. Cook Inlet Native Association	39.1	60.9
2. Chugach Native Association	20.8	79.2
3. Tanana Chiefs Conference	81.7	18.3
10. Bering Strait Native Association	0.4	99.6
11. Arctic Slope Native Association	0.4	99.6
12. Northwest Alaska Native Association	0.2	99.8

**Low Regional Heterogeneity**

Within this system that otherwise created weak regional governance and strong local governance, Alaska's two northern-most regions (Northwest and North Slope) have developed a unique model. Like most of the other regions, the regional Alaska Native Corporations worked to solidify the mandate of a profit-based corporation, while the regional Non-Profit Native Associations (which had been key participants in AFN and thus in ANCSA negotiations) reorganized into regional non-profit corporations in order to access federal funds and to manage regional health and social services. However, the Northwest and North Slope regions went further, and worked to establish a third regional institution through the creation of borough government.<sup>8</sup> The creation of borough governments—which are regional public governments—introduced an “as-close-as-possible” version of Indigenous regional self-government in these two regions. Within the two regions, the regional Alaska native corporation, the non-profit native association, and the borough government have coordinated a stronger form of regionalism in the Alaskan north (though with some important caveats on *whom* each of the institutions provide services to):

**Table 3:** Institutional Development & Regionalization after ANCSA

Alaska Native Corporation	Non-Profit Native Associations	Regional Borough Government	Village Tribal Gov'ts	Regionalization
Chugach Alaska	--	--	6	Weak
Calista Corp.	Association of Village Council Presidents	--	56	Weak
Bristol Bay	Bristol Bay Native Ass'c	--	32	Weak
Doyon, Ltd.	Tanana Chiefs Conference	--	32	Weak
Bering Straits	Kawerak, Inc.	--	18	Weak
Aleut Corp.	Aleutian/Pribilof Islands	--	15	Weak
Sealaska	Central Council Tlingit & Haida Indian Tribes	--	10	Weak
Koniag, Inc.	Kodiak Area Native Ass'c	--	9	Weak
Ahtna Inc.	Copper River Native Ass'c	--	8	Weak
Cook Inlet	Cook Inlet Tribal Council	--	8	Weak
NANA	Maniilaq	Northwest Arctic Borough	11	Medium (ad hoc)
Arctic Slope	Arctic Slope Native Ass'c	North Slope Borough	8	Medium (ad hoc)

Unlike the United States, Canada did not settle northern claims in one fell swoop. Instead, Canada's decision to introduce a policy of negotiation in 1973 clearly set the development of Arctic regionalization in motion. In comparison to Alaska's ad hoc solution, negotiation favoured the development of clearly defined regions constrained by group identity. The structure of the policy tied collective rights to the identification of distinct groups that occupied and utilized a bounded geographic territory.

Under Comprehensive Land Claims (CLCs), the Government of Canada invited Indigenous groups that had never previously signed a treaty to begin negotiating claims. This did not necessarily mean that singularly homogenous groups advanced their claims (for example, the Sahtu land claim was a combined Dene and Métis claim). However, whereas Alaska's process set regional boundaries as the ANCSA process approached finalization, Canada's modern land claims pushed Indigenous peoples to self-organize into most-similar groups based on region, culture, and ethnicity *prior to* negotiation. By virtue of this group self-identification, the conceptualization of regions in northern Canada was more deliberate. More importantly, the lengthy negotiations resulted in stronger units of regional governance than those created in Alaska. Initially (and like Alaska), the settled claims relied on the transfer of land, money, and resource revenues through the creation of regional corporations. However, these regional corporations were primarily not-for-profit organizations and Canada's model of regionalism was embedded through the creation of regulatory boards whose borders were geographically identical to the regional land claims. These regulatory boards institutionalized Indigenous participation on regional environmental screening committees and review boards<sup>9</sup> and have reinforced Indigenous authority over resource development (White 2002).

Canada's policy of negotiation continued to evolve throughout the next few decades as the country's legal regime changed. Indigenous collective rights were reinforced through different venues, including through the period of constitutional negotiations in the late 1980s and early 1990s. Though the Meech Lake and Charlottetown Accords ultimately failed, the negotiations shaped a new path forward and significantly affected the norms regarding the place of Indigenous Canadians in the federation. To reflect these changing norms, Canada's CLC policy was updated in 1995 to include the negotiation of Indigenous self-government (Alcantara & Davidson 2015). During this period of updating (between 1973 and 1995), 13 comprehensive land claim agreements or modern treaties were negotiated. None of these claims, including the Inuvialuit Final Agreement (1984) and the Gwich'in Agreement (1992), created Indigenous self-government. These processes of policy layering have resulted in the creation of strong regional governance models, yet not all groups have moved evenly towards this realization of regional policy autonomy:

**Table 4:** Institutional Development & Regionalization in Canada's Northwest Territories<sup>10</sup>

<b>Negotiated Land Claims</b>	<b>Regional Self-Gov't</b>	<b>Regionalization</b>
Sahtu Dene and Metis CLC Agreement <sup>11</sup>	--	Weak (community SG)
Inuvialuit Final Agreement	Ad hoc (Inuvialuit Regional Corp.)	Medium (ad hoc)
Gwich'in CLC Agreement	Ad hoc (Gwich'in Tribal Council)	Medium (ad hoc)
Tlicho CLC Agreement	Tlicho Government	Strong (regional SG)

The regional institutional development of the Northwest Territories (NWT) is illustrative of the processes of regionalization in Canada; the Territory saw some of the earliest movement towards land claims (with the Inuvialuit), while later entrants into the process (the Tlicho) emerge with very different results. Regionalization in the NWT also clearly highlights the degree to which the Canadian model emphasizes identity in the development of regional governance. The implications of timing, identity, and institutional layering on regional models will be further explored in the next section.

### **Layered authority & ad hoc institutional development**

Indigenous regional governance in the North American Arctic has not moved evenly in the direction of strong regional models. In the absence of Indigenous regional self-government, each one of the four regions of interest—the Northwest and North Slope regions in Alaska, and the Gwich'in and Inuvialuit Regions of the Northwest Territories—highlight important intra-jurisdictional tensions brought about by the timing and form of institutional development. Each case has exhibited the combination of (1) institutions undergoing functional conversion, whereby actors harness the abilities of existing organizations to meet new ends; and (2) institutional layering, adding on new institutions to fill in policy gaps (Thelen 2000). Moreover, these cases can be used to expand our understanding of how conversion and layering interact with a third important factor, institutional identity.

#### ***Alaska: Timing and institutional development – implications for policy scope***

The regions created through ANCSA have not uniformly advanced towards regionalization. Broadly speaking, the regional corporations are weak units of governance. Moreover, they occupy a fraught location in the politics of Alaska. The Native Corporations were designed as self-contained institutions, divorced from Native tribal governance; they were conceived as tools to integrate Native Alaskans into the modern market economy, rather than to act as a bridge between traditional practices and the modern economy (Berardi 2005).

Given this complicated relationship, Native Alaskans did not want to build upon the NRCs as they worked towards developing further institutions of governance (McBeath & Morehouse 1980). Instead, as the relationship between the federal government and Native Alaskans evolved, local tribal governance (at the village level) gained renewed support. In the 1990s, the federal government reaffirmed its nation-to-nation relationship with Alaska Natives, which for Alaska meant the recognition of 229 village tribal governments. Co-management institutions and subsistence policy were layered on top of these tribal governments and focused on the participation tribal organizations, thus securing local governance over regional governance as the model for Alaska. Though the non-profit Native associations generally act as regional coordinating bodies for tribal governments (in most of the twelve regions of Alaska), taking these developments and ANCSA at face value, it is fair to suggest that Alaska has evolved weak regional governance and strong local governance. The North Slope and Northwest regions of Alaska, however, stand apart.

In northern Alaska, two geographically large regional Alaska Native Corporations were created following the passage of ANCSA in 1971: the NANA Corporation in the Northwest and the Arctic Slope Regional Corporation (ARSC) in Alaska's North Slope region. There are two notable factors

particular to the space in which these institutions were created. Firstly, the corporate boundaries covered regions populated by Alaska's Inuit (Iñupiat) population (with high regional population homogeneity). Thus, even though the regions created through the ANCSA corporations were not distinctly "Iñupiat" institutions, strong cultural cohesion through common identity removed an important barrier to regional institutional layering. Second, the virtual lack of any other governance organizations in the two regions meant that there was no real competition over policy. Though tribal government existed to some degree, there was little (if any) real state- or federal-level involvement in the far north.

### *Building borough government*

Though the finalization of ANCSA meant that the resultant NRCs could trade on their land resources and could collect resource revenues on private land development, the lack of a strong system of local governance threatened to undermine the efforts by local Iñupiat populations to control the north. While the ANCSA negotiations moved forward in the early 1970s, the leadership of the North Slope began to organize for 'strong local government.' The North Slope Iñupiat applied to the Local Boundary Commission of Alaska to create the North Slope Borough, a regional municipal government that would share the regional boundaries of the Arctic Slope Regional Corporation. In the early 1980s, the leadership of the Northwest Arctic Region followed a similar path. Following the discovery of a significant zinc deposit in the Northwest region, the leadership of the NANA Regional Corporation and Maniilaq (the non-profit native association) pushed for a regional borough government. The borders of this northwest borough would be geographically identical with those of the corporation, encompassing the future Red Dog Mine development. The North Slope Borough was incorporated as a home-rule regional municipality in 1973; the Northwest Arctic Borough was similarly incorporated over a decade later in 1986.

Despite their similar evolution, the Northwest Arctic Region and the North Slope Region in Alaska have clear differences in the practice of policy authority. For example, the Arctic Slope Native Association (ASNA; the non-profit native association) in the North Slope region has limited policy authority, overseeing the delivery of healthcare services. By comparison, Maniilaq in the Northwest delivers healthcare services but also has a significant role in social service administration, tribal services, and public health. Policy authority and regional service delivery is generally broken down as follows:

**Table 5:** Policy Authority & Service Delivery

	Alaska					
	Northwest / NANA			North Slope / ASRC		
	Native Corporation	Nonprofit Association	Borough Government	Native Corporation	Nonprofit Association	Borough Government
<b>Economic Development</b>						
Employment Services	X			X		
Workforce Development	X			X		X
Energy – Price Relief	X					X
<b>Land and Wildlife</b>						
Land Use Planning	X		X	X		X

Co-management <sup>12</sup>	X		X			X
Renewable resource management	X					X
<b>Social Services</b>						
Healthcare provision		X			X	
Income Support	X	X		X		
Cultural Services	X	X		X		X
Language Revitalization	X					X
Public Health		X			X	X
Scholarships (education)	X	X	X	X		X
Children & youth services		X				X
Post-Secondary Education						X
Social Services		X				X
Emergency Services			X			X
<b>Tribal Programs</b>						
Village assistance		X	X			
Governance programs		X				
Tribal operations		X				

The timing of institutional development constrained how the regional organization of ad hoc policy authority evolved in northern Alaska. In the North Slope, the borough government was incorporated within two years of the completion of the land claim. Because of this, neither the regional corporation nor the regional native association had the time to expand beyond the scope of their original mandates establish a distinct role in the regional policy (though the scope of the ARSC did undergo functional conversion as it began to creep into educational scholarships, cultural services, and income support, expanding beyond a purely economic role in the region).

Due to the timing of its early creation (relative to the other institutions), the borough carved out a significant policy role in the region by essentially replacing any potential role of the state of Alaska. The North Slope Borough took on policy oversight and delivery for social services (including the regional health department), emergency services (including public safety, the fire department, search and rescue), and housing policy, among others. It is also the organizing body through which most of the regional wildlife co-management structures are managed, thus building a strong relationship with federal and state governments in this policy area. In essence, the North Slope Borough is the regional institution through which most policy development (from social services to regional economic development) occurs, limiting the regional corporation and the regional native association to much smaller mandates.

By contrast, the Northwest Arctic Borough was incorporated 15 years following the finalization of ANCSA. During that period, both the NANA Regional Corporation and Maniilaq (the regional native nonprofit association) significantly expanded on their original mandates to fill in many of the policy gaps within the region. It was not until the early 1980s that the discovery of significant zinc resources in the region precipitated discussions regarding a borough government. With the leadership of Maniilaq and NANA at the forefront of organizing the borough application to the Bureau of Land

Management, the resultant institution simply filled in many of the gaps that remained in the governance of Alaska's Northwest.

*Regional governance without self-government*

An important caveat remains in thinking about regional development in Arctic Alaska. Though these borough governments were created in Indigenous-majority regions, they are not regional Indigenous governments. Regional Indigenous governments, such as those found in Canada, have citizenship models based on ethnicity (in which voting members belong to a specific Indigenous group, as do all candidates for leadership). In contrast, the borough model is a public government that has a citizenship model based on local residency. That is not to say that public governments cannot operate as *de facto* Indigenous governments, depending on population makeup. Indeed, that is very much the case in the two northern regions of Alaska, both of which currently have majority Indigenous populations and all-Native councils.

**Table 6:** Alaska's Northern Boroughs

<b>Borough Name</b>	<b>Population (2010)</b>	<b>% Native (2010)</b>	<b>Area (square miles)</b>
North Slope	9,430	55.4%	~88,800
Northwest Arctic	7,523	82.0%	~36,000

Furthermore, while the Northwest Arctic Borough and the North Slope Borough are public governments, they tie the operation of governance to the local Iñupiat culture. The municipal code of the North Slope Borough notes “the very existence of the Code is proof that the Iñupiat of the North Slope have succeeded in returning self-rule to their land” (North Slope Borough Code 2015). Meanwhile, the Northwest Arctic Borough “recognizes the Iñupiaq language as the language of the original people of the borough” and it is the policy of the borough to perpetuate the use of the Iñupiaq language as a key part of the region's culture and values (Northwest Arctic Borough Code 2015).

However, because the boroughs are tied to the principles of local government rather than to the principles of Indigenous self-government, they are vulnerable to population shifts. Though the Northwest Arctic Borough's population has remained relatively constant over the last four decades, sitting at 85% Alaska Native, the North Slope has seen its proportional Native population drop significantly from approximately 85% in the early 1970s to 54% in 2010 (ISER 1970; State of Alaska 2015). This has not yet begun to affect the makeup of the borough governments; nonetheless, the potential remains and is obvious in other venues. For example, while the population of the village of Kotzebue is similar to the Northwest Arctic Borough as a whole (at approximately 85% Native Alaskan), the public municipal government of Kotzebue is only 28% Native Alaskan (2 of 7 councilors).

***Northern Canada (NWT): Identity and institutional development***

In Canada's Northwest Territories, three groups finalized their land claims prior to the federal government's 1995 decision to include self-government negotiations as part of the process of

Comprehensive Land Claims, thus ensuring the development of strong regions from that point forward. In each of these three cases, regions were co-determined on questions of identity—the claims put forward (and which ultimately formed the finalized agreements) were based on a culture and history of traditional land use, and on distinct Indigenous identities: the Gwich'in claim was advanced by the Gwich'in First Nation; the Inuvialuit claim (a northern Inuit group) split off from the larger Inuit land claim that would later create Nunavut; and the Sahtu land claim brought two groups together, combining the overlapping interests of the region's Dene and Métis populations under a single land claim. Two of these land claims groups—the Gwich'in and the Inuvialuit—have advanced towards stronger regionalization in the absence of negotiated self-government, while the third—the Sahtu land claim—is moving in a direction of Alaska's broader model of governance (perhaps due to the similar nature of its regional population heterogeneity), with a regional land claim and the development of community self-government.

Despite operating under a policy framework that kept self-government off of the table during the land claims negotiations, both the Inuvialuit and the Gwich'in have long pushed for strong regional governance. From the beginning of their land claims negotiations in the mid-1970s, the Inuvialuit made clear their desire for regional self-government to manage administrative policy responsibilities and health and social service delivery to the Inuvialuit population. Indeed, the model favoured by the Inuvialuit resembled something quite like Alaska's model of borough government. As early as their first land claim document, *Inuvialuit Nunangat*, the Inuvialuit leadership pushed for the development of regional public government, with the ability to tax development for revenue (IRC 2009). The Gwich'in claim also attempted to move in the direction of self-government. However, in the absence of the updated policy that would come just three years later, the Gwich'in could not fully secure their preferred option (though the land claim included the provision that the group could enter into separate self-government negotiations at a future date).

As both groups continued to press the federal government for self-government, Inuvialuit and Gwich'in leadership decided that, in light of the geographic overlap of the two populations in the Northwest Territories, they would combine their push for self-government in the form of the Beaufort-Delta Regional Government (Alcantara & Davidson 2015). The Beaufort-Delta government would have transferred federal and/or territorial jurisdiction over health and education, social services, justice and policy, among other areas, to the new regional government (GNWT 2001; for a full breakdown, see Table 7). Though negotiations advanced and an Agreement-in-Principle was signed in 2000, the Beaufort-Delta claim ultimately fell apart. In 2003, the Gwich'in withdrew from the joint negotiations for the Beaufort-Delta government, saying that the Agreement-in-Principle no longer represented the goals of the Gwich'in population (for a more complete view of the dynamics present in this decision, see Alcantara & Davidson 2015). Both groups have since begun negotiating separate, more limited, forms of Aboriginal self-government.

#### *Building de facto models*

Had the Beaufort-Delta government been established, there would have been a clear increase in the policy authority of the Gwich'in and the Inuvialuit in the realm of social policy. Many of the social

policy areas that the Gwich'in Tribal Council (GTC) and the Inuvialuit Regional Corporation (IRC) currently operate in (seen in Table 7) would have been consolidated and moved over to the new government (such that the IRC and GTC would have operated under smaller mandates). Similarly, under the proposed Beaufort Delta government, the Territorial government would have transferred the jurisdiction over many of the remaining human and social development policy areas.

**Table 7:** Policy Authority & Service Delivery

	Canada		
	Inuvialuit Region		Gwich'in Region
	Inuvialuit Regional Corporation	Beaufort-Delta Public Government	Gwich'in Tribal Council
<b>Economic Development</b>			
Employment Services	X		X
Workforce Development	X	X	X
Energy – Price Relief			
<b>Land and Wildlife</b>			
Land Use Planning	X		X
Co-management	X		X
Renewable resource mgmt.	X		X
<b>Social Services</b>			
Healthcare provision		X	X
Income Support	X	X	X
Cultural Services		X	X
Language Revitalization	X	X	X
Public Health		X	X
Scholarships (education)	X		X
Children & youth services	X	X	X
Education (K-12)		X	
Post-Secondary Education		X	
Social Services		X	X
Emergency Services		X	
Local Government		X	
Taxation		X	
Justice and Policing		X	

The promise of strong regional government remains for these two Canadian cases (and the Inuvialuit have announced that they have finalized an Agreement-in-Principle on self-government; CBC 2015), however, the eventual outcome of regional Indigenous governance will likely be more limited on policy scope and jurisdiction. Nonetheless, in the absence of self-government, these two regions have clearly carved out a policy space.

#### *Regional governance without self-government*

For both the Inuvialuit and the Gwich'in, regional institutional development has been highly constrained by factors of institutional identity. For the Gwich'in, the land claims institutions developed in 1992 were actively integrated into the Gwich'in Tribal Council, the existing Gwich'in institutions of First Nations government recognized under the *Indian Act*. Upon settling the Gwich'in Land Claim,

the new institutions of governance (including the regional regulatory boards and the Gwich'in Development Corporation, akin to the NRCs) were folded into the pre-existing institutions of First Nations governance. The Gwich'in have moved into program delivery, building on the provisions in their agreement for administrative governance. Today, the Gwich'in Tribal Council has departments overseeing regional health and wellness, language and cultural services (through the Gwich'in Social and Cultural Institute), land management, and educational scholarships, among others. However, one important issue remains for the Gwich'in as they work towards self-government. In most cases, the negotiation of self-government means that the federal *Indian Act* no longer applies to self-governing Aboriginal governments. This was one of the major sticking points in the negotiation of the Beaufort-Delta government, as the Gwich'in were not prepared to dismantle the existing institutions of tribal governance in favour of a new model (Alcantara & Davidson 2015). As they continue to move towards Aboriginal self-government, these institutions may have to once again change, allowing a new form of regionalism evolve.

By comparison, as an Inuit population in Canada, the Inuvialuit had to rely on building out their governance regime from the organizational structures established through their land claim (the Inuvialuit Final Agreement 1984). With the exception of the Committee of Original Peoples Entitlement—the Inuvialuit land claim advocacy group that operated throughout the 1970s—there were no distinctly “Inuvialuit” institutions that pre-dated their land claim. Thus, the expansion of regional Inuvialuit governance has been operationalized through the land claims institutions: the Inuvialuit Regional Corporation (IRC) and the Inuvialuit Game Council (IGC) (Wilson & Alcantara 2012). Through these organizational bodies, and in the absence of regional government, the Inuvialuit leadership expanded the role of the IRC into policy areas traditionally thought to belong to government. After implementation, the IRC not only took on the role of negotiator for self-government, but also quickly moved into social program development and service delivery. This has included the delivery of social services, income support, and public and community health programs, among other policy areas (Wilson & Alcantara 2012). They have a role in delivering the Inuvialuit Child Development Program, the Inuvialuit Cultural Resource Centre, and coordinating the Brighter Futures program, accessing federal government funds to expand into these policy areas.

Despite the setback faced in establishing a regional public government, and in the absence of securing fully negotiated Indigenous self-government, both the Inuvialuit and the Gwich'in have carved out *de facto* models of regional governance. They have been constrained in their development by the tight relationship between institutions and identity (which acted as a barrier to building a regional Beaufort Delta government). However, by building on their existing institutions of governance, they have transformed more narrow organizational mandates into something much more far-reaching in the interim.

### **Conclusion: Capitalizing on capacity**

Indigenous groups in Canada and the United States have clearly moved the Arctic towards a model of regional Indigenous governance, and today they have a role in the development of policy and delivery of programs and services. However, the factors of timing and institutional identity have constrained

the ability of some regions to advance towards strong models of regionalization.

As a general observation, the early entrants into land claims have had the most difficulty in securing coordinated regional models of governance. This has been true for most of the regions within the state of Alaska (which collectively settled in 1971), and for the Inuvialuit, Gwich'in, and Sahtu regions in the Northwest Territories (each of which settled their claims prior to the 1995 policy change on self-government). As a second general observation, those regions with homogenous populations have had fewer barriers to institutional layering (and thus the development of stronger regions with ad hoc authority) than more heterogeneous regions. This helps to explain both the emergence of strong regional models in the Inupiat-inhabited northern regions of Alaska, and sheds light on the decision of the Sahtu region to explore community self-government. It is also an important intervening factor in understanding why the combined Gwich'in-Inuvialuit regional government did not advance as a successful model. Both timing and identity have structured how institutions have layered on top of one another to create strong models of regional governance in the north.

Unpacking ad hoc regional Indigenous authority is key to understanding one of the primary mechanisms through which local Indigenous populations interact with Arctic policy. Though some cases see the promise of more 'concrete' regional self-government, other regions will continue to operate in more dynamic models. By focusing on these ad hoc models, we have a better understanding of the ways in which Indigenous organizations have transformed their operations to expand into new policy areas. As such, we have a better understanding of the existing regional capacity and the opportunities for building partnerships with other levels of governance. For example, as the Arctic Council continues to tackle the challenges that come with coordinating Arctic search and rescue, the resources and experiences of Alaska's northern borough governments—which have been conducting policy and service delivery in this area for over thirty years—may provide some important lessons. Meanwhile, northern Indigenous governments in the Canadian north can tap into resources and knowledge from other regions that have faced (or are facing) similar population, infrastructure, and fiscal challenges. This exploration presents a starting point for understanding both how new regional organizations interact intra-jurisdictionally and inter-regionally across new regional borders. Ultimately, despite the many barriers to their creation, these regions are poised to carve out an even greater role in territorial and international Arctic development.

## **Acknowledgments**

This article was originally presented at the Canadian Politics & Public Policy Graduate Symposium on May 27, 2015. The author wishes to thank Sara Hughes for her insightful comments and direction on the paper, and Graham White, Grace Skogstad, and Robert Schertzer for their feedback on earlier drafts of this article. Financial support for this research was provided by the Social Sciences and Humanities Research Council (SSHRC), the School of Graduate Studies at the University of Toronto, and the Northern Scientific Training Program.

## **Notes**

1. The classical definition of regionalism, developed by Michael Keating and John Loughlin, defines regionalism as pressure from a region (by regional political elites) towards the central government demanding more (cultural) autonomy, social priorities, democratization, and decentralization. The processes explored in this paper do not always fit neatly under this definition, as the definition presumes that region is largely pre-defined. The process of land claims—whereby regional Indigenous elites place pressure on the central government to transfer autonomy and authority to new structures of governance—suggests the *creation of new* and/or the *solidification of existing (but abstract)* boundaries: while Indigenous traditional lands and territories are bounded conceptually, the modern land claim process institutionalized these boundaries within western legal and political traditions. This paper does not cover all the possible ways and forms that local mobilization engages in processes of regionalization, and there may be opportunities to better tease out ‘traditional’ regionalism from processes that occur under ‘indigenous regionalism / self-governance’.
2. The Inuit Circumpolar Council, the Aleut International Association, the Arctic Athabaskan Council, the Gwich’in Council International, the Russian Association of Indigenous Peoples of the North, and the Saami Council.
3. Alaska has 229 federally recognized tribes.
4. To date, only the Deline community self-government agreement has been finalized, though the other communities within the boundaries of the regional land claim are currently in negotiations.
5. In their paper, Alcántara & Wilson define intra-jurisdictional relations as the “relationships between separate governance bodies within a single jurisdictional unit” (45). Thus, these relationships operate in a clear geographical and regional location.
6. A 13<sup>th</sup> corporation was also created for Alaska Natives no longer residing in the state. As such, it is not a “regional corporation” as its endowment did not include a geographical unit within the state of Alaska.
7. By May 17, 1967 the following claims (Native Protests) had been made to the Department of the Interior: (1) Mentasta; (2) Gulkana; (3) Copper Centre; (4) Yakataga; (5) Lake Aleknagik; (6) Stevens Village; (7) Birch Creek; (8) Minto; (9) Nenana; (10) Tanacross; (11) Prince William Sound; (12) Anvik; (13) Northway; (14) Chilkoot; (15) Cantwell; (16) St. George Island; (17) Eklutna; (18) Bethel; (19) Southeast; (20) Katalia; (21) Copper River; (22) Kaltag; (23) Huslia; (24) Kotzebue; (25) Anaktuvuk Pass; (26) North Slope; (27) Venetie and Arctic Village; (28) Chalkyitsik; (29) Eagle; (30) Seward Peninsula; (31) Knik; (32) St. Lawrence Island; (33) McGrath; (34) Nondalton; (35) Kenai; (36) Tanana; (37) Alaska Peninsula-Kodiak; (38) Holy Cross; (39) Kotzebue.
8. Local leaders would also include a fourth regional institution: the school board, overseeing education policy.
9. These boards include land and water boards, renewable resource boards, and environmental impact review boards (though some of these are being threatened under new legislation which would merge many of these boards into a single super-board).
10. The table does not include the ongoing land claims negotiations within the Territory.

11. Self-government is being negotiated for the communities of: Deline (finalized); Colville Lake; Fort Good Hope; Norman Wells; and Tulita.
12. Note: Co-management, and the degree to which the institutional structures of Indigenous co-management are reinforced through federal statutes and relationships differ between Canada and the United States.

## References

- Abele, Frances, and Michael J. Prince. (2006). Four Pathways to Aboriginal Self-Government, *Journal of Canadian Studies*, 36(4): 568-595.
- Alcantara, Christopher, and Adrienne Davidson. (2015). Negotiating Aboriginal Self-Government Agreements in Canada: an Analysis of the Inuvialuit Experience, *Canadian Journal of Political Science*, forthcoming.
- Alcantara, Christopher, and Gary Wilson. (2014). The Dynamics of Intra-Jurisdictional Relations in the Inuit Regions of the Canadian Arctic: An Institutional Perspective, *Regional & Federal Studies*, 24(1): 43-61.
- Anders, Gary C., and Kathleen K. Anders. (1986). Incompatible Goals in Unconventional Organization: The Politics of Alaska Native Corporations, *Organizational Studies*, 7(3): 213-233.
- Berardi, Gigi. 2005. The Alaska Native Claims Settlement Act (ANCSA)—Whose Settlement was it? An Overview of Salient Issues, *Journal of Land Resources and Environmental Law*, 25(2): 131-137.
- Brady, Judy. (1967). Native Land Claims, *Alaska: Review of Business and Economic Conditions*, Institute for Social, Economic, and Government Research, 4(16): 1-11.
- Canadian Broadcasting Corporation (CBC). (25 May 2015). Inuvialuit One Step Closer to Realizing Self-Determination, retrieved from: <http://www.cbc.ca/news/canada/north/inuvialuit-step-closer-to-realizing-self-government-1.3085812?cmp=rss>.
- Case, David S. (2005). Commentary on Sovereignty: The Other Alaska Native Claim, *Journal of Land Resources and Environmental Law*, 25(2): 149-154.
- GNWT (Government of the Northwest Territories). (1991). Recent Initiatives in the Evolution of Community and Regional Government in the Inuvialuit Settlement Region. Yellowknife: NWT Archives G-2007-062: 1-5.
- GNWT (Government of the Northwest Territories). (2001). Draft: Gwich'in and Inuvialuit Self-Government Agreement in Principle for the Beaufort-Delta Region. Yellowknife: NWT Archives G-2004-024: 4-8.
- Governor's Task Force on Native Land Claims. (1968). *Proposal for Settlement of the Alaska Native Land Claims*. Anchorage: University of Alaska Anchorage Archives: Neil Risser Bassett Collection.

- Hirschfield, Martha. (1992). The Alaska Native Claims Settlement Act: Tribal Sovereignty and the Corporate Form, *Yale Law Journal*, 101: 1331-1355.
- IRC (Inuvialuit Regional Corporation). (2009). COPE: An Original Voice for Inuvialuit Rights. *Inuvialuit Final Agreement 25<sup>th</sup> Anniversary*. Inuvik.
- ISER (Institute for Social and Economic Research). (1970). *Regional Breakdown on Communities as Listed in the Alaska Native Settlement Act*. Anchorage: University of Alaska Anchorage Archives: Institute for Social and Economic Research Collection.
- Keating, Michael, and John Loughlin. (1997). *The Political Economy of Regionalism*. Abingdon, UK: Routledge Press.
- McBeath, Gerald A., and Thomas A. Morehouse. (1980). *The Dynamics of Alaska Native Self-Government*. Lanham, USA: University Press of America.
- North Slope Borough Code. (2015). Accessed May 15:  
[https://www.municode.com/library/ak/north\\_slope\\_borough/codes/code\\_of\\_ordinances](https://www.municode.com/library/ak/north_slope_borough/codes/code_of_ordinances).
- Northwest Arctic Borough Code. (2015). Accessed May 15, 2015:  
<http://www.codepublishing.com/AK/nwarcticborough/>.
- Paasi, Anssi. (1999). Boundaries as Social Practice and Discourse: The Finnish-Russian Border, *Regional Studies*, 33(7): 669-680.
- Scholtz, Christa. (2006). *Negotiating Claims*. New York: Routledge Press.
- Shadian, Jessica. (2006). Remaking Arctic Governance: the Construction of an Arctic Inuit Polity, *Polar Record*, 42(222): 249-259.
- State of Alaska, Department of Commerce, Community, and Economic Development. (2015). Community and Regional Affairs Data; retrieved from:  
<http://www.commerce.state.ak.us/cra/DCRAExternal/community>.
- Thelen, Kathleen. (2000). Timing and Temporality in the Analysis of Institutional Change, *Studies in American Political Development*, 14: 100-108.
- White, Graham. (2002). Treaty Federalism in Northern Canada: Aboriginal-Government Land Claims Boards, *Publius*, 32(3): 89-114.
- Wilson, Gary. (2005). Nested Federalism and Aboriginal Sovereignty in Russia and Canada. In P. H. Solomon, Jr. (ed.), *Recrafting Federalism in Russia and Canada: Power, Budgets and Indigenous Governance*, Toronto: Centre for Russian and East European Studies.
- Wilson, Gary. (2008). Nested Federalism in Arctic Québec: A Comparative Perspective. *Canadian Journal of Political Science*, 41(1): 71-92.
- Wilson, Gary, and Christopher Alcantara. (2012). Mixing Politics and Business in the Canadian Arctic: Governance in Nunavik and the Inuvialuit Settlement Region, *Canadian Journal of Political Science*, 45(4): 781-804.

Young, Oran R. (2005). Governing the Arctic: From Cold War Theater to Mosaic of Cooperation, *Global Governance*, 11(1): 9-15.

1970s. *Listed Villages by Region: Sec. 11(b)(1) and Sec. 16(a)*. Anchorage: University of Alaska Anchorage Archives, Neil Risser Bassett Collection.